

with the following qualifying expressions:

The majority expressed:

1. Substantial doubts about the wisdom of repeated appointments of retired military men to high civilian posts.
2. Continued appointment of career officers could destroy the symbol of civilian government, which is one of the cornerstones of our system.
3. Serious misgivings about the wisdom of the Dual Compensation Act which attracts the career military men to civil government.

About all the majority could say for General McKee is that he has been a capable administrator in the Air Force and that the President badly wants him to head the Federal Aviation Agency.

#### SERIOUS QUESTIONS RAISED

This raises a number of questions which demand immediate consideration and immediate answers in this Chamber—answers that do not equivocate—answers which will decide whether a fundamental principle of our constitutional government is to be either ignored or nullified. To do otherwise is to consign a cherished principle to oblivion.

What about our rich heritage of civilian supremacy as taught in the textbooks of all our schools? Shall we have the books rewritten?

If we here decide that civilians no longer are to conduct the affairs of government, the honest course is to state so frankly and to say that the textbooks will have to be rewritten to reflect this change. But, before we take such a drastic step, let us remember that the founders of our Nation, the framers of our Constitution, reflected the fears of their own experience time after time, both orally and in writing, reiterating that this Government must be one of civilian domination and control. While it is true that this Nation has had military men as its Chief Executives, no one here would dare impugn their devotion to the principles of the Constitution. Yet only one of these Chief Executives was a professional military man; and, from him probably came the greatest indictment of the possibility of military domination. In his farewell address to the Nation, on January 17, 1961, President and Gen. Dwight D. Eisenhower warned:

In the councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or the democratic process.

But he is not alone among great military leaders in recognizing this inherent danger.

Gen. Douglas MacArthur said in his May 12, 1962, speech at West Point:

Others will debate the controversial issues, national and international, of which divide men's minds . . . Let civilian voices argue the merits or demerits of our processes of government . . . These great national problems are not for your participation or military solution.

A solemn warning on this same subject was uttered by the distinguished Adm.

Arleigh A. Burke, who said in plain language:

The government in many countries can exist only if the military wants it to exist. But in the United States, as in Great Britain, centuries of experience with constitutional government, and its checks and balances, have created a different situation. The military in this country are not one "unit" or a monolithic group. So long as this Nation retains its effective checks and balances in Government and so long as its military, in organization and in thinking, do not become a monolithic group, the military cannot become a political machine to be used to destroy the concepts upon which our Government is based.

These military leaders recognized instinctively that a military man, no matter how able or how great, in assuming a civilian governmental post must fight vigorously to repress the instinct created by his training and his profession. In order to be an effective civilian administrator, he must subjugate to the civilian needs the demands imposed upon him by his years of military training and indoctrination. It takes an exceptional man, an unusually strong individual, to rise above such a background.

Let us here consider the basic question which we must consider. Are we committed to the principle that able administrators in civil government and in the military are interchangeable to the extent that a capable Governor could be commissioned a full general?

Are we totally unconcerned about the growing tendency to place retired career military men in what should be a civilian government?

#### INHERENT DANGER

Mr. President, it is my purpose here to develop, for the information of my colleagues, the dangers inherent in S. 1900, which is before us. I shall explore the whole problem presented by the influx of military personnel, active and retired, in our civilian establishments. We shall clearly see the resulting potential danger to our philosophy of government.

Mr. President, I am opposed on principle to the enactment of S. 1900.

I intend to show that there is more here than meets the eye. This special legislation goes far beyond the claimed purpose.

First, I shall show that the bill violates and effectively nullifies the basic positive declaration of the Federal Aviation Act that the Administrator shall be a civilian.

Second, I shall show that it gives added emphasis to the special incentives offered by the Dual Compensation Act to encourage military men to move into positions formerly confined to civilians who are forbidden by a double standard from similarly profiting from dual compensation.

Third, I shall show that it sets a precedent which is contrary to the often declared intent of the Founding Fathers that civilian management in our democracy must always be paramount.

Further, I shall show that it confirms the fears of our leaders and statesmen, including the distinguished military men

#### OPPOSITION TO APPOINTMENT OF CAREER MILITARY MEN TO POSITIONS CREATED FOR CIVILIANS

Mr. HARTKE. Mr. President, we have before us what appears to be a very simple bill to accomplish a very simple purpose. The stated intent of S. 1900 is to set aside that portion of the Federal Aviation Act of 1958 requiring a civilian Administrator so as to clear the way for the appointment of a recently retired four-star Air Force general as Administrator.

The very danger in this bill lies in this simplicity, for it is neither as simple nor as innocuous as it appears. By its enactment we shall cloak with congressional legality, and thus provide legislative precedent for the extension of an already existing eroding process. It, in essence, would destroy a fundamental principle of the philosophy upon which our Government exists—the supremacy of the civilian over the military.

The proposed legislation would nullify the intent and the meaning of the Federal Aviation Act of 1958, and say once and for all that the Administrator of the Federal Aviation Agency need not be a civilian now or ever in the future. By the bill before us here, we open the door to the ever-present danger that a man in uniform, whatever be his rank—active or retired—can be placed in every civilian position in our Government on the theory that it is wise or expedient to take such action at the moment.

In recommending passage of S. 1900 as it applies to the President's intended nomination of General McKee, the majority of the Commerce Committee subconsciously recognized this insistent danger when it expressed its doubts about the wisdom of the action it recommended

whom I have already quoted, and others to whose remarks I shall refer.

In saying these things, in calling attention to this situation, I frankly am entering a plea for the defense and the preservation of the civil traditions of this Republic in a period when military juntas over the world—from Latin America to southeast Asia—are endangering and frustrating the principles of democracy, creating its destruction by their subjugation of the civilian leadership. I want here to call attention to the present danger and to insist that it is our function to preserve our own democratic heritage by strengthening rather than weakening its cornerstone.

I have expressed my fears to a limited extent in the minority views, in which I am joined by the Senator from Kansas and, which appear in the report of the Senate Commerce Committee on this bill. That minority report notes:

At this moment, 94 retired and regular officers enjoy executive assignments in the Federal Aviation Agency.

We noted further:

It is estimated that some 30,000 persons serving within the Government presently are ex-military officers.

#### MAJORITY EXPRESS FEARS

But, strange as it may seem, the reservations expressed in the minority views are echoed in the words of the majority report—in fact, more strongly. The report notes that section 2 specifies that General McKee shall be subject to no controls "as a consequence of his status as a retired regular military officer," and that section 3 expressly states that this action "is not to be considered as approval by the Congress of the continued appointments in the future of military men to the office of Federal Aviation Agency Administrator."

Then the report states:

The committee wishes to emphasize that it considers the latter two sections of critical importance and that its action in favorably reporting this measure was contingent upon their inclusion.

Why does the majority feel constrained to make such an emphasis? There can be only one reason—that they, too, are in reality fearful of the growth of dominance by the military over our civilian institutions.

Further, the majority cites from Executive Report No. 7, 86th Congress, 2d session, the following statement, making it plain that they are not in any way departing from that statement, but are affirming that this is still its position:

Furthermore, and perhaps most important, one of the basic principles of our society is, that the control of government, including the policymaking function, should be vested in civilians with the military subordinate. Continued appointments of career officers could destroy the symbol of civilian government as well as promote the unfortunate practical effects associated with almost dominant military influence.

This, I would remind the Senate, is not the statement of the minority views, but a citation which appears, with full endorsement, in the views of the majority.

Further, the majority concludes a statement of less than five pages, nearly half of which is taken up with quota-

tions, by these remarks, again expressing grave reservation rather than wholehearted commitment to the violation of their own principles:

The majority of the members of the committee have grave reservations concerning what appears to be an increasing tendency to fill civilian Government positions with retired military personnel. The magnitude of this practice is evidenced by certain tables prepared by the Civil Service Commission and printed by the direction of the committee in appendixes B and C of this report. This matter should be thoroughly reviewed by the appropriate committees of Congress.

I might state that one of the Senators upon reading the report commended me for having this placed into the Record. I had to correct the statement because, instead of coming from the minority, these principles and tables were, in fact, placed in the report as part of the majority opinion, and they certainly do not support it at all.

Why, I ask, in view of these grave reservations, these expressions which are far from enthusiastic support of the bill, does the majority support this bill at all? Is it not saying in effect, "We refuse to endorse the dangerous principle involved here, but we will lay our principles aside just this once, in the same way that we did when we recommended Admiral Wilson to the Federal Maritime Board and General Bragdon to the Civil Aeronautics Board." Is not the majority saying, "we do not really believe in what we are doing, but we will do it just the same?" Has the military already become so powerful that the Senate must close its eyes to each military person recommended or suggested for civilian appointments.

So we can see that the majority of the committee agrees with us on principle. The majority feels, however, that principle should be set aside in order to clear the way for appointment of General McKee. We do not agree with that conclusion. Our belief remains in the principle that a civilian agency that has jurisdiction in the broad field of aviation must be headed by a civilian.

In 1958, the Congress wrote the Federal Aviation Act after the collision of two airplanes over Grand Canyon.

At that time there was an effort to ascertain what the cause of the collision had been. No one could learn what the cause was at that time. No one was telling where the civilian or military planes were flying.

Its chief purposes were to control airways and to develop safe and progressive aviation. Except for definite and obvious military needs and for the development of military aircraft, the Agency created by this act was to be controlling in the field of aviation—not civilian alone, but civilian and military as well.

#### CIVILIAN INTENT OBVIOUS

There was an obvious, burning intent to make this Agency civilian in nature and to make the civilian Agency clearly supreme over the military in control of airways. Recognizing that there were military functions which affected civilian aviation, the Congress took steps to insure adequate military representation within this new Agency.

In the hearings on the measure creating the Federal Aviation Agency, it is quite clear that Congress intended to be fully fair with the military.

There were discussions concerning assignment of military advisers and active military officers to the Agency. At each step, however, it was clear that the authors and the committee's hearing testimony were intent upon maintaining complete civilian control.

Military men assigned to the Agency were to be subject to the control of the Administrator, who, according to statute, was to be civilian.

This appears very clearly in the speech of Chairman OREN HARRIS of the House Committee on Interstate and Foreign Commerce on the original Federal Aviation Agency bill, on August 4, 1958, in the House debate on the bill. In listing the purposes of the bill, Mr. HARRIS said:

Fifth. The Agency is to be headed by an Administrator, who must be a civilian, appointed by the President, by and with the consent of the Senate.

Sixth. In order to effect the maximum coordination with the Department of Defense the bill provides for the appointment by the President of a Deputy Administrator, by and with the consent of the Senate. The Deputy Administrator may be a military officer at the discretion of the President, and may continue as a military officer as Deputy Administrator, receiving all military pay and allowances payable to a commissioned officer of his grade and length of service; or he may elect to receive the compensation provided for the Deputy Administrator by this bill. The bill provides, however, that if the Administrator is a former military officer, the Deputy Administrator shall not be an officer on active duty with one of the armed services or retired or resigned officer of one of the armed services.

Time after time, in the hearings and in the debate in both House and Senate, the point was stressed again and again, and I emphasize this, that the Administrator was to be a civilian. In fact, the provision for a Deputy Administrator who might be drawn from the military was expressly made in order to provide the advice and experience of military service within top levels of the Agency. But by the same token it was made plain and clear, as the law still remains, that the Administrator should be a civilian, that the military man would be his subordinate.

Mr. HARRIS was most explicit on this point, when he continued:

These provisions have been made to insure adequate military representation in an Agency vital to the national defense, and yet to prevent military domination of the Agency equally vital to the safe and efficient operation of civil aircraft.

A few days earlier, on July 14, in the Senate, the Senator from Oklahoma (Mr. MONRONEY), who prepared and sponsored Senate bill 1900, as the leader in this field, also took the floor as the leader of the bill and took the same point of view when he said:

The main purpose of the language in the bill as it is before the Senate is to provide that the Agency shall be a civil aviation agency and that the civil government shall be concerned with these activities.

On the same day Senator BENNETT, another of our colleagues who is still in our midst, made a statement in support of the bill in which he said:

I think it is important that the proposed Federal Aviation Agency, as is the present Civil Aeronautics Board, be essentially a civilian agency—and thus in keeping with traditional form of government in this country. I feel that the act should not allow the military, directly or indirectly, to control or be in a position to exert strong or undue influences over this Agency established for the purpose of coping with a situation for which the military is the major cause.

One of the witnesses before the House committee was the future administrator of the Agency, Lt. Gen. Elwood P. Quesada. He was asked by Senator Schoepfel:

What assurance do we have that the military will not dominate this new Agency if joint participation is authorized?

Mr. Quesada answered:

We have one assurance that this Agency will be a civilian-controlled agency like all other agencies of Government. We should assume that the President would appoint a person who is not subject to abusing his authority . . . This Agency will predominantly be civilian, clearly.

Turning again to the record of the hearings held in the House, there appears this statement in the testimony of Dr. Leslie A. Bryan, chairman of the general aviation facilities planning group, which was the organization primarily responsible for the bill:

The group that I represent feels that every protection should be assured to maintain the integrity of the Civil Aviation Agency, or the Federal Aviation Agency, as a civil controlled and operated group . . . I think it is a mistake, personally, to spell out in the law, for instance, that the Deputy Administrator or the Administrator, if it happened to be that way, should be a military person. And I speak with a little authority there, being a Reserve officer, myself and still an active reservist.

#### ATA PRESIDENT'S STATEMENT

Stuart G. Tipton, who was then and still is president of the Air Transportation Association, made a similar statement:

If it is decided that the Deputy be a military man, that is all right.

One thing we are interested in, though, and that is, that the bill continue to contain a provision that the Administrator by law shall be a civilian.

The original Senate bill went to a conference committee. There were some changes adopted which have a bearing on the question of the place of the Administrator as a civilian. The Senate bill, the House amendment, and the final bill all agreed, however, in providing that "at the time of his nomination he— the Administrator—shall be a civilian." The statement to the House by its members of the conference committee made extremely explicit the intent:

The requirement in section 301(b) that the Administrator be a civilian at the time of his nomination means that he shall be a civilian in the strictest sense of the word. Thus, at the time he is nominated he may not be on the active or retired list of any regular component of the armed services or be on extended active duty in or with the armed services.

I point out that the general who is proposed is not on the active list. He is a retired man. But it is specified that he shall not be a retired officer of any of the regular components of the armed services or be on any extended active duty with them.

However, the bill as enacted and still in force contained in section 302(b) a provision that nothing in the act or other law should preclude appointment to the position of Deputy Administrator of an officer on duty with the armed services. To this, which was a part of the original Senate bill, the House added the following:

Except that if the Administrator is a former regular officer of any one of the armed services, the Deputy Administrator shall not be an officer on active duty with one of the armed services or a retired or resigned regular officer of one of the armed services.

The present Deputy Administrator of the Federal Aviation Agency is Lt. Gen. Harold W. Grant, whose permanent rank is that of major general. Obviously it is impossible under the law, even if S. 1900 should be passed, for General McKee to be named to the post of Administrator and for General Grant to continue as Deputy Administrator.

This is a strange situation we are called upon to look into, to consider a law which would even make it impossible—at this time and under the present situation—even to hire the man, even if we pass the law, unless some other changes were made.

Consequently, as Chairman John W. Macy, Jr., of the Civil Service Commission testified before the Senate committee on May 14 of this year:

The President intends to meet that statutory requirement with the appointment of a civilian to the Deputy post to be associated with General McKee in the leadership of that important Agency.

As the citations I have offered from the legislative history of the Federal Aviation Act make clear, it was the general intention of the framers of the law that the post of Deputy was appropriately to be filled by a military man, but that the Administrator should definitely be preferred as a civilian. Yet, as Joseph B. Hartranft, Jr., president of the Aircraft Owners & Pilots Association, said before the Senate Commerce Committee:

The FAA has had two Administrators, one with a military background and the other a civilian. Now it is proposed that the third Administrator be a military-oriented individual. Thus, under the act, which stipulates that the Administrator shall be a civilian, the score will be two Administrators from the military and only one civilian.

We must conclude that the present language is either inadequate to convey accurately and convincingly the intent of Congress with regard to statutory qualifications of candidates, or that there exists nowhere an available and capable civilian to fill this top aviation post.

We cannot conceive that the latter could be the case—that nowhere within the FAA itself or from outside that Agency does there exist a qualified civilian.

With this view I firmly agree. I agree, too, with the view to which I have so often referred, that the Deputy Administrator, in a position subordinate to a civilian Administrator, is properly a military man if this seems most desirable.

#### AUTHORS STILL WITH US

Who were the men who spelled out this arrangement in 1958 when the basic statute was enacted?

I believe it is of interest to know that every member of the majority on the Senate committee from the 85th Congress which wrote the law in 1958 is still a Member of this body, together with one member of the minority. Of the House Members who wrote the measure, 11 of the 16 are still majority Members and 3 of the minority still remain.

These people felt then, and should still feel, that the deputy position is the one in which a regular military officer, active or retired might be placed. If General McKee was desperately needed for his great administrative skill and his expertise on procurement and development within the Federal Aviation Agency, his services could be provided in the Deputy Administrator position where he would still have a civilian boss.

This was the case when General Grant in 1962 took the deputy position under Administrator Najeeb Halaby. The President has announced his intention of removing General Grant to a lesser position so that the act would not be further violated by having military men in both top positions. Thus, General McKee could have taken General Grant's place.

But, what are we proposing to do? To just push Grant aside, providing more military brass, not less, since he will still remain in the Agency. Surely in America we could reach among the aerospace experts of our great universities or their graduates to find a civilian head of this Agency. I believe that such distinguished places as MIT, Purdue, Cal Tech and others have available aviation-oriented men capable of management of this civilian agency. Nor need we confine the search to the academic field.

I cannot accept the notion that only the military today is capable of producing experts in the field of aviation. If this is so, our educational system and our civilian government and our industries are in sad plight.

#### MILITARY INFUX IN GOVERNMENT

Despite all of this intensive effort to create and maintain a civilian agency headed by a civilian, we are asked how to waive the act so as to allow appointment of General McKee. His appointment would add him to 9,120 employees of FAA who have some military status. This was the total last compiled. This figure includes Ready Reserve, Active Standby, Inactive Standby, retired, and class 1-A and class 2-A military personnel.

The record is no more unusual, I suppose, than that of the rest of our so-called civilian Government.

There are an estimated 30,000 retired officers on duty with Federal agencies now, according to the Civil Service Commission. These military officers are attracted by the generous Dual Compensation Act of 1964.

The Dual Compensation Act of 1964 recognized that, in an age of nuclear and space sciences, many of our most highly trained and skilled people are in the military and have been trained for these new

and unique skills by the military. To keep these people available for essential work in the Government, the act provides that a retired officer is entitled to full salary for the job in civilian Government and a reduced retirement amounting to \$2,000 annually plus one-half of his remaining retirement pay. The earlier act provided that, except in cases of disability, a retired officer could receive no more than \$2,500 annual retirement pay plus his civilian salary.

A retired civil servant who may be called upon to rejoin the Government must sacrifice his entire retirement pay. Let us look at the situation as it was in the Finance Committee when we were considering the medicare bill and the question of social security.

A man or woman who has spent all of his life in the private sector and who has retired on social security may also occasionally be called upon to serve his Government. Regardless of how worthwhile this may be for the Government, the retiree's salary would result in substantial loss of his retirement benefits. In fact, he would be forced to give up everything over \$1,200 at the present time.

Thus, there is no financial incentive for a retired civilian from any walk of life to serve his Government. The

career military man uniquely enjoys the advantage in his retirement of being able to join the civilian Government at a substantial financial profit.

The military men did not ask for a double standard. It was granted by Congress in recognition of the needs of a scientific age. Many of the 94 officers in the Federal Aviation Agency are there because of this need. The presence of some retired military officers in other agencies may likewise be justified, or at least explained.

#### DOUBLE STANDARD

Appointment of an administrator—a manager, however capable—can hardly be justified on these grounds. Neither can the double standard imposed by Government, at times, overzealous in its worship at the fact of the graven image, science, be justified in this case.

In any case, granting military special dispensation in these matters has led to too frequent appointment of military men to civilian positions which may endanger our traditional civilian control.

The majority of the Commerce Committee wrote the following in their report on S. 1900:

Some members of the committee have expressed serious misgivings with respect to the Dual Compensation Act in particular

and various other statutes permitting retired military personnel, of all categories, to receive full or substantial military retirement benefits while, at the same time, receiving full civilian Government salary. While matters relating to dual compensation are not within the purview of this committee's jurisdiction, some members have expressed strong sentiments that the appropriate committees should consider a review of the entire subject.

Aside from questions relating to compensation, the majority of the members of the committee have grave reservations concerning what appears to be an increasing tendency to fill civilian Government positions with retired military personnel. The magnitude of this practice is evidenced by certain tables prepared by the Civil Service Commission and printed by direction of the committee in appendixes B and C of this report. This matter should be thoroughly reviewed by the appropriate committees of Congress.

Mr. President, I ask unanimous consent to have appendixes B and C, as well as a table on the distribution of officer accessions by military pay grade and agency, December 1964 to April 1965, printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

#### APPENDIX B

Retired Regular officers, grades O-7 through O-10, reported to Civil Service Commission as employed as Federal civilians

EMPLOYED ON NOV. 30, 1964

	Agency	Position	Civilian salary	Gross retired pay <sup>1</sup>	Combined pay <sup>2</sup>
Taylor, Gen. Maxwell D. (Army)	State	Ambassador to Vietnam	\$26,000.00-\$30,000.00	\$17,719	\$35,859-\$39,859
Powell, Gen. Herbert B. (Army)	do.	Ambassador to New Zealand	26,000.00-30,000.00	16,005	35,033-39,033
Haliship, Gen. Wade H. (Army)	Soldiers' Home	Governor	18,035.00	15,300	34,235
O'Connell, Lt. Gen. James D. (Army)	OEP	Assistant Director	26,000.00	14,175	34,088
McNinch, Maj. Gen. Joseph H. (Army)	VA	Chief Medical Director	28,500.00	12,758	35,879
Ryan, Maj. Gen. Cornelius E. (Army)	Defense	Director, Infrastructure Division	22,500.00	12,150	29,875
Hinds, Brig. Gen. Sidney R. (Army)	do.	Inspector General Administrator	15,150.00	9,518	24,668
McKee, Gen. William F. (Air Force)	NASA	Assistant Administrator for Management Development	24,500.00	10,005	40,505
Barnes, Lt. Gen. Earl W. (Air Force)	OIA	Member, Board of National Estimates	24,000.00	13,500	31,750
McClelland, Maj. Gen. Harold M. (Air Force)	do.	Director of Communications	24,500.00	12,150	31,675
Holzman, Brig. Gen. Benjamin G. (AF)	NASA	Assistant to Associate Administrator	22,000.00	11,394	28,607
Hull, Brig. Gen. Harris B. (AF)	NASA	Special Assistant to Administrator	20,500.00	11,115	27,058
Mundy, Lt. Gen. George W. (AF)	Army	Special Assistant to Director of Civil Defense	21,445.00	14,175	35,620
Curtis, Adm. Maurice E. (Navy)	Defense	Director, Telecommunications Policy	23,005.00	10,005	39,760
Wright, Adm. Jerald (Navy)	State	Ambassador to China	26,000.00-30,000.00	10,005	35,033-39,033
Roone, Adm. Walter F. (Navy)	NASA	Deputy Associate Administrator	24,500.00	10,005	40,505
Rose, Vice Adm. Rufus E. (Navy)	NASA	Director, Policy Planning Division	24,000.00	14,175	37,175
Anderson, Adm. George W., Jr. (Navy)	State	Ambassador to Portugal	26,000.00-30,000.00	17,719	35,859-39,859
Harlie, Rear Adm. John (Navy)	Maritime Commission	Chairman	23,500.00	7,166	33,083
McMillan, Brig. Gen. Hoyt (Marines)	Post Office	Postmaster	8,025.00	6,279	12,705
Foxt, Brig. Gen. Robert E. (Marines)	Interior	Public utilities specialist	12,405.00	48,088	21,193
Nelson, Maj. Gen. Ralph T. (Army)	Army	Consultant (w.o.e.)		12,758	12,758
Lansdale, Maj. Gen. Edward G. (Air Force)	Agriculture	do.		12,150	12,150
Nichols, Maj. Gen. Kenneth (Army)	Defense	Consultant (w.a.e.)	94.24	9,720	
DeCoursey, Maj. Gen. Elbert (Army)	Army	do.	50.00	12,758	
Simon, Maj. Gen. Leslie E. (Army)	Defense and Army	Consultant (w.a.e.) (3 positions)	83.04	12,150	
Lindquist, Maj. Gen. Roy E. (Army)	Defense	do.	94.24		
Morris, Maj. Gen. Sewell I. (Army)	do.	Consultant (w.a.e.)	50.00	12,758	
Fenn, Brig. Gen. Clarence C. (Army)	Army	do.	50.00	12,780	
Mattlingly, Brig. Gen. Thomas W. (Army)	do.	do.	83.04	10,575	
Samford, Lt. Gen. John A. (Air Force)	do.	do.	50.00	11,104	
O'Hara, Maj. Gen. John J. (Air Force)	OIA	do.	94.24	14,175	
Summerfelt, Brig. Gen. Milton F. (Air Force)	Defense	do.	50.00	12,758	
Witherington, Rear Adm. Frederic S. (Navy)	State	do.	78.64	11,115	
Colclough, Rear Adm. Oswald S. (Navy)	Army	Advisory Board member (w.a.e.)	74.16	12,758	
	AEC	Member, AE Labor and Management (w.a.e.)	100.00	12,150	

APPOINTED SINCE NOV. 30, 1964

Shaw, Brig. Gen. Samuel R. (Marines)	U.S. Senate	Professional staff member	\$15,000.00	\$11,115	\$26,115
Raborn, Vice Adm. W. E. (Navy)	OIA	Director	30,000.00	14,175	38,083
Tyson, Brig. Gen. Robert N. (Army)	VA	Program planning specialist	16,460.00	11,115	23,018
Granham, Rear Adm. Elton B. Jr. (Navy)	State	Senior evaluation officer	21,020.00	13,100	35,670
Boardsley, Vice Adm. George F. (Navy)	Navy	Consultant (w.a.e.)	83.00	14,175	
Bogart, Lt. Gen. Frank (Air Force)	NASA	Special Assistant to Associate Administrator	23,000.00	14,829	37,829

Footnotes at end of table

1 Except as indicated in footnotes 3, 4, 5, 8, retired pay is subject to reduction under sec. 201(a) of the Dual Compensation Act.  
 2 Annual civilian salary plus gross annual retired pay, reduced where appropriate under sec. 201(a) of the Dual Compensation Act. Does not allow for reductions from gross pay for survivorship benefits, etc.  
 3 Elected to remain under exemption from 1932 Dual Compensation Act.  
 4 Exempt from reduction in retired pay because of combat disability.  
 5 Exempted from reduction in retired pay, NASA action under sec. 201(e) of the Dual Compensation Act.

\* Honorary rank under 10 U.S.C. 6150, retired pay based on active duty rank of captain.  
 \* Honorary rank under 10 U.S.C. 6150, retired pay based on active duty rank of colonel.  
 \* Not subject to reduction.  
 \* Per day.

Source: Prepared by the Civil Service Commission.

### APPENDIX C

#### TABLES RELATING TO THE EMPLOYMENT OF RETIRED MILITARY PERSONNEL IN CIVILIAN POSITIONS<sup>1</sup>

*Distribution of officer accessions by military pay grade and civilian salary, December 1964 to April 1965*

Pay grade	W.o.c.	Consultant, W.a.c., see, pd	0 to 4,999	5,000 to 9,999	10,000 to 14,999	15,000 to 19,999	20,000 to 24,999	25,000 and over	N/R	Total
<b>Regular officers:</b>										
O-9.....		1								1
O-8.....							1			1
O-7.....		1								1
O-6.....		5	1	5	11	7	1		4	34
O-5.....		3	3	15	23	1			5	50
O-4.....			5	22	11	1				39
O-3.....			5	9	1				1	16
O-2.....			3	2		1				6
W-4.....			2	6	1				1	10
W-3.....			5	9	3				2	19
W-2.....			2	18					2	17
W-1.....			2	2						4
<b>Total.....</b>		<b>10</b>	<b>28</b>	<b>63</b>	<b>60</b>	<b>11</b>	<b>2</b>		<b>16</b>	<b>200</b>
<b>Reserve officers:</b>										
O-6.....				8	5	2				15
O-5.....		2	11	76	21	1			7	118
O-4.....		2	35	94	9				12	152
O-3.....			8	22	2				4	34
O-2.....			3						1	6
W-4.....			2	3			1			6
W-3.....			6	15	1					23
W-2.....		1	5	9						15
W-1.....			1							1
N/R.....			1	2		1			1	5
<b>Total.....</b>		<b>5</b>	<b>70</b>	<b>229</b>	<b>33</b>	<b>4</b>	<b>1</b>		<b>26</b>	<b>374</b>
Component not recorded: N/R.....		<b>20</b>	<b>18</b>	<b>71</b>	<b>29</b>	<b>2</b>	<b>1</b>			<b>142</b>
<b>Final total.....</b>		<b>35</b>	<b>116</b>	<b>383</b>	<b>117</b>	<b>17</b>	<b>5</b>		<b>42</b>	<b>718</b>

<sup>1</sup> Tables prepared by the Civil Service Commission.

*Distribution of officer accessions by military pay grade and agency, December 1964 to April 1965*

Pay grade	Defense	Army	Navy	Air	FAA	NASA	VA	PO	Other	Total
<b>Regular officers:</b>										
O-9.....			1							1
O-8.....									1	1
O-7.....									1	1
O-6.....			13	11		1			11	34
O-5.....			14	6	1	2			16	50
O-4.....		2	5	1			4		6	39
O-3.....			3	1		1			4	16
O-2.....			2				2			6
W-4.....			3	1						10
W-3.....			3	3	1				3	19
W-2.....			1	9	1	1			2	17
W-1.....			1	2		1		1		4
<b>Total.....</b>	<b>4</b>	<b>28</b>	<b>50</b>	<b>34</b>	<b>5</b>	<b>5</b>	<b>13</b>	<b>2</b>	<b>50</b>	<b>200</b>
<b>Reserve officers:</b>										
O-6.....	3		2	4			1		5	15
O-5.....	3	27	14	46	2	2	2		20	118
O-4.....	4	23	23	55	8		5	2	27	152
O-3.....	2	8	2	10	5		1	2	4	34
O-2.....		2	1						1	6
W-4.....			1	1					3	6
W-3.....			2	6			1		4	23
W-2.....		7	3	1				2	2	15
W-1.....									1	1
N/R.....		2		1	1		1			5
<b>Total.....</b>	<b>12</b>	<b>64</b>	<b>45</b>	<b>125</b>	<b>16</b>	<b>2</b>	<b>11</b>	<b>8</b>	<b>67</b>	<b>374</b>
Component not recorded: N/R.....	<b>1</b>	<b>58</b>	<b>17</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>48</b>	<b>142</b>
<b>Final total.....</b>	<b>17</b>	<b>170</b>	<b>124</b>	<b>170</b>	<b>22</b>	<b>9</b>	<b>27</b>	<b>11</b>	<b>165</b>	<b>718</b>

*Retired regular officers employed in civilian positions as of Nov. 30, 1964*

	Total	W.o.c.	Consultants	0 to 4,999	5,000 to 9,999	10,000 to 14,999	15,000 to 19,999	20,000 to 24,999	25,000 and above
Grades 7 to 10.....	33	2	12		1	1	3	5	7
Grades 1 to 6.....	575		56	63	265	82	62	81	9
Warrant officers.....	276			47	204	21	3		1
<b>Total.....</b>	<b>904</b>	<b>2</b>	<b>70</b>	<b>110</b>	<b>470</b>	<b>104</b>	<b>67</b>	<b>86</b>	<b>17</b>



## CONSTITUTIONAL WARNING

Mr. HARTKE. Mr. President, since the days of the writing of the Constitution, we Americans have rightfully insisted that civilian control be paramount. Thus, we have remained the same unique democracy, the same republic, without the development of a military caste, without dictatorship, without continuous political upheaval such as that which befalls our Latin American neighbors.

We came by this decision of civilian control over the military in colonial times. James Madison thought the regulation of the militia to be natural as a part of the civil authority charged with the public defense.

It did not seem—

He said—

in its nature, to be divisible between two distinct authorities. If the States would trust the general government with a power over the public treasury, they would from the same consideration by necessity grant it the direction of the public force. Those who had full view of the public situation, would, from a sense of the danger, guard against it.

Charles Pinckney, the following Monday, in the Federal Convention of 1787, elaborated on Madison's point saying:

The military shall always be subordinate to the civil power.

The intense desire to keep the military from gaining control was burned into our way of life in the Bill of Rights. Pinckney's words in the Federal Convention were adopted in effect in the third amendment:

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Thus was spelled out in the 18th-century manner the prohibition that was to keep a man's castle safe from unwanted military domination. Today, we can return to Pinckney's words.

Today we say we do not wish the military quartered in the house of civil government.

Tristram Coffin, in his book, "The Passion of the Hawks," graphically describes this inheritance of a desire to prevent military domination and take-over:

The American revolutionaries did not agree on very much, but they were united in an equal dislike of British rule and military authority. There was a real question whether their hostility for the military would allow them to throw out the British. John Marshall wrote that one faction in the Continental Congress dreaded the Redcoats less than an effective American Army which might seize political power.

The Virginia bill of rights, one of the first pronouncements of the rebellious settlers, said: "In all cases the military should be kept under strict subordination to and governed by the civil power."

The declaration and resolves of the First Continental Congress proclaimed: "The keep of a standing army in these colonies, in times of peace, without the consent of the legislature of that colony in which such army is kept, is against law."

President George Washington in his Farewell Address said, "Hence likewise they [the States of the Union] will avoid the necessity of those overgrown Military Establishments which under any form of government are inauspicious to liberty, and which are to be

regarded as particularly hostile to Republican Liberty."

The danger from the military foreseen by the founders of this Nation was counterbalanced in the best ways they knew. We cannot do less today.

## DANGER REMAINS TODAY

What endangered our way of life in 1787 endangers our way of life to an even greater extent in 1965.

Today we maintain, as a way of life, millions of men under arms. Over half our national budget is devoted to men and material for war and the prevention of war. Thousands of Americans depend upon the military and upon defense production for their daily bread. The need for the military is obvious; the danger of Communist aggression.

I fear lest our preoccupation with defending ourselves and our friends develop another danger to our way of life, that of military domination.

A close friend of President Johnson put his fear of the danger of military power in succinct terms: "I am worried." This statement was made by John B. Connally, Jr., while he was Secretary of the Navy in the Kennedy administration, now Governor of Texas.

I do not wonder that the books, "Seven Days in May" and "Fall Safe," made many people in the United States echo, "I am worried."

Secretary Connally, now Governor of Texas, stated while still at the Pentagon:

If people no longer believe they can influence events, democracy is in danger and a dictator could take over. There is no magic in the American system, it can be served only by millions of citizens working day in and day out to nourish the system of government now almost 200 years old.

Then he asks:

But do Americans still work at it? Are they beginning to give up?

Are we in the Senate giving up? Are we encouraging American citizens to give up? We must continue to examine the principles and practices with respect to civilian control of government. There is nothing new in this idea.

## DIFFERENCES IN ATTITUDE

Recently we have seen strong efforts exerted in various aspects of our Government to assure that policy, both internal and in the conduct of foreign affairs, reflects the strong support of public opinion.

We can see it in the "teach-ins," and in Government officials explaining what our position throughout the world is. This is as it should be. In a civilian government conducted as a democracy the will of the people is of the utmost consideration. What the people may think of policy and of the actions required to carry it, is of vital concern to the public official. It is the trademark of democratic civilian government.

A military man, by the very nature of the danger involved in his mission and the need for secrecy, is accustomed to following orders, if need be, with blind obedience. Public opinion is secondary. It has little to do with the chain of command or with the battlefield essentials of life and death.

There is an essential difference between the approach inherent in the thinking of the military man subject to years of military discipline and that of the civilian leader in public life, accustomed to the need for sensitivity to public opinion and the nuances of its subtle shifts. Military leadership unavoidably partakes of the autocratic and the dictatorial; the best civilian leadership bears a different kind of authority, that which stems from harmony and consensus with the will of the people.

Consequently, as a matter of sound public policy in a democracy, it is imperative that civilian agencies be led by civil servants rather than dominated by a large concentration of military or ex-military personnel.

There is today a real fear of military control of civilian government. This fear has become a real part of our cultural and political institutions. It is well known and understood. It is talked about frequently.

George M. Humphrey, President Eisenhower's first Secretary of the Treasury, felt the military pressures and speaks of his fear of mounting military power:

The military can hold the power of life and death over a community. This growing power of the military threatens the traditional American way of life and brings the civilian authorities under tremendous pressure.

Senator FULBRIGHT said regarding his now famous memorandum to Secretary McNamara on the General Walker controversy:

The memorandum was based on my strong belief in the principle of military subordination to civilian control. Military officers are not elected by the people, and they have no responsibilities for the formulation of policies other than military policies.

President Kennedy warned in his first special message to the Congress on the Defense budget:

Neither our strategy nor our psychology as a nation—and certainly not our economy—must become dependent upon the permanent maintenance of a large military establishment . . . Our arms must be subject to ultimate civilian control and command at all times, in war as well as peace.

President Franklin D. Roosevelt in an address at Shibe Park, Philadelphia, on October 27, 1944, said:

The Constitution of the United States says—and I hope you will pardon me if I quote it correctly—"The President shall be Commander in Chief of the Army and Navy of the United States."

It seems to me that this is a matter of considerable importance to the American people.

It was due to no accident and no oversight that the framers of our Constitution put the command of our Armed Forces under civilian authority.

Fletcher Knebel and C. W. Bailey point out in a hard-hitting article in Look magazine on September 11, 1962:

The possibility of a military takeover is one of the great unmentionables in Washington. Hundreds of politicians speak on the fringe of the subject. Yet there would be no reason for men like Eisenhower to fear a military-industrial complex unless they fear military control of the Government, either overt or covert, and unless they be-

Here that such control would be an evil thing.

I quote from Time magazine of August 10, 1953:

**ARMED FORCES—RUDE AWAKENING**

To the Navy's top brass, the ideal Secretary of the Navy is a civilian who soaks up briefings, cuts an impressive figure before congressional committees, signs his name legibly, and relies for all his decisions on the Navy's top brass. Navy Secretary Robert B. Anderson, a 43-year-old Texas lawyer, estate manager, and Boy Scout worker, appeared to fit these specifications. Last week the Navy got a rude awakening. Bob Anderson, 6 months in office, moved an admiral out of a top Navy Department job because of "policy differences."

Anderson's victim was Rear Adm. Homer N. Wallin, 59, Chief of the Navy's Bureau of Ships. Wallin led the fight to prevent promotion—and thus bring automatic retirement—of Navy Capt. Hyman Rickover, a brilliant, freewheeling Navy engineer who developed the atomic submarine. Secretary Anderson inherited the Rickover mess and the senatorial protests over the obvious injustice. Anderson examined the facts, disregarded Wallin's advice, and convened a special selection board which advanced Rickover to rear admiral. (He was confirmed by the Senate last week.)

Meanwhile, Navy Under Secretary Charles Thomas asked Navy departmental heads to report detailed facts on their procurement plans. Some of the admirals replied with vague generalizations. Thomas issued a stern order for precise detail. On the second round, all complied except Admiral Wallin, who, in effect, told Anderson and Thomas to content themselves with broad policy and leave the details to the admirals. Since, as every Pentagonian knows, broad policy is frequently determined by details, Anderson considered that he was getting a well-known form of Pentagon run around. Wallin was relieved of his command and transferred to the Puget Sound Navy Yard in Bremerton, Wash.

Mild Bob Anderson was not trying to throw his weight around. His action was part of the Eisenhower effort to get control of defense policy back where the Constitution put it: in the hands of the President and his top civilian officials.

Mr. President, C. Wright Mills, in his book, "The Power Elite," refers to the "war lords" and he cites the military ascendancy in the world of science:

By October of 1954, this had reached the point at which Dr. Vannevar Bush—World War II Chief of the Office of Scientific Research and Development—felt it necessary to assert flatly that the scientific community was demoralized. "You won't find any strikes," he said, "but scientists today are discouraged and downhearted and feel that they are being pushed out, and they are." In the context of distrust, no less a scientist than Albert Einstein publicly asserted: "If I would be a young man again and had to decide how to make my living, I would not try to become a scientist or scholar or teacher. I would rather choose to be a plumber or a peddler in the hope to find that modest degrees of independence still available under present circumstances."

The whole problem of this infiltration of our civilian government by the military was anticipated by troubled students of our Government for some time. As far back as March 1952, Look magazine published two articles on the subject "Should We Fear the Military," in which both Supreme Court Justice William O. Douglas and Gen. Omar N. Bradley, former Chairman of the Joint

Chiefs of Staff, commented in detail on the situation. Their remarks are so pertinent and so important that I ask unanimous consent to include their full text in this presentation.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

**SHOULD WE FEAR THE MILITARY? ASSOCIATE JUSTICE WILLIAM O. DOUGLAS, U.S. SUPREME COURT: "WE HAVE BECOME VICTIMS OF THE MILITARY MIND"**

The increasing influence of the military in our thinking and in our affairs is the most ominous aspect of our modern history.

Our Government was designed to keep the military in the background, reserving them for the days of actual hostilities. That is why the President is Commander in Chief. That is why civilians are administrative heads of even the military branches of our Government.

We indeed do the military great disservice by thrusting civilian tasks on them, by placing on them the burdens of peace. Many of them are the first to recognize that neither by training nor by experience are they as a general rule qualified to handle the complex problems of the present world crisis.

This is not because military men lack integrity or ability or devotion. They are men of high character and fine ideals. But the military mind is too narrow, the military technique too limited to deal with the vast problems of this age. I do not refer to the military great among us—Bradley, Eisenhower, MacArthur, Marshall. My criticism runs to the military clique that spreads slowly throughout Government, expanding its hold and making its voice more loudly heard with each passing day.

The deficiencies in the approach of the military to domestic and world affairs start with military education. West Point and Annapolis give good technical training. It is, however, a specialized education for one of the most highly specialized of all callings—the killing of men, the destruction of cities, the pursuit of the enemy.

An education broad and liberal in its base is needed for insight into and understanding of the problems of the world as well as of the Nation. The world problem is not essentially different from any community problem. We need men who have made a specialty of human beings and their aspirations, motivations and reactions. Our Foreign Service is made up of men who have had this broad and liberal education. They know people and history, and, knowing them, have often been able to do brilliant jobs in shaping history, in deflecting streams of events.

The military mind looks at world affairs in terms of preparations for war—bases that will be useful in defense or offense, the building of armies, the marshaling of raw materials and the harnessing of industrial production. The military look at domestic affairs in terms of giving orders and expecting obedience. The military mind does not know the give and take of public debate, the art of persuasion of people, the value and importance of dissent and disagreement, the importance of religious, political, racial minorities in our midst.

The military mind, in other words, has two distinctive characteristics—first, it tends to put every problem in the perspective of war; second, it tends to regiment people, to have one orthodox creed and to leave no room for diversity of opinion, the strength of democracy.

The military can, of course, take hold of almost any civil disturbance and create law and order. But it takes the priest, the teacher, the social worker, the psychologist to get at the basic tensions. The military should in no case be called upon for action until the political department is bankrupt.

**REVOLUTIONS SWEEP THE EARTH**

Astute political management can control today's crisis, the greatest crisis in world history. What is this crisis? It stems for the most part from revolutions that sweep the earth and involve most of the people of the world. They are revolutions against feudalism; against the ownership and control by a few men of the wealth and resources of a nation while the bulk of the people work on meager shares for the few at the top. Where there is feudalism, Communist organizers work with the greatest ease and gain the quickest results.

The desire to be rid of feudalism, the desire to throw the foreigner out, the desire for equality of status—these whip up the tremendous unrest that disturbs the world today. Management of these revolutions and the problems they create is a political problem of the first magnitude. That we have taken the military rather than the political approach to these problems is powerful proof that we have become victims of the military mind.

The formulation of our foreign policy has slipped more and more into the hands of the military clique that has possessed Washington, D.C. The emphasis has been more and more on military strategy, less and less on political management. Billions upon billions upon billions of dollars are invested; and yet in spite of our investment in military ideas and military projects, the free world continues to shrink.

Under military management, we are being propelled into fateful decisions. We are alienating Asia. We are losing prestige throughout Africa and the Middle East. In the eyes of the little people of the world, we often act as haughtily as the foreign power that once landed on their shores. Our seemingly arrogant attitude is the product of our military management.

We should be going to the world as the Quakers go—with humility and understanding and the desire to serve. We should keep the military in the training camps and the officers' schools. We should man our agencies with civilians, keeping the military out of the public affairs. The world crisis is a crisis in human relations that all the bombs, all the tanks, all the guns in the world cannot resolve.

**MILITARY MIND SHAPES THINKING**

Some say that although there has been a great inroad of military men into public office the situation is saved by the umbrella of civilians that is held over them. It is true that many departments, manned by the military, have civilian heads. But anyone who knows government knows that policy is made at the expert level. The hidden layer of military personnel shapes the thinking and policy of many an agency; the civilian heads by and large are merely spokesmen for what the military want. This is a necessary consequence of the complexities of a bureaucracy.

The military have such a dominating influence in our foreign affairs, and foreign affairs are so large in every budget, that military men are inheriting more and more domestic roles. It is the military voice that is heard more and more in the factories, along the waterfronts, in our powerplants. It is the influence of the military that is having a fearsome effect in repressing speech in most of the classrooms and on most of the campuses of the country. It is the military that are behind the vast regimentation that is taking hold of our society, forcing opinion into one mold, fastening an orthodox view on the country, making every dissent or disagreement dangerous. Our greatest efficiency has always been in a unanimity attained by debate, argument and persuasion. Today, as a result of our military-mindedness, there is less room for debate—less room for argument—less room for persuasion—than in almost any period in our history.

It is important that we look strong, and be strong, against the Soviet military threat. But our great influence in the world will be at the political level, through emissaries who teach freedom and justice and show that there is an alternative to the war tendered by the military. It is only political management that can make peace a continuous, cooperative undertaking among the peoples of the world, rather than the nervous interlude between wars.

GENERAL OF THE ARMY OMAR N. BRADLEY, CHAIRMAN, JOINT CHIEFS OF STAFF: "THERE IS NO MILITARY CLIQUE—CIVILIANS ARE IN CHARGE"

It is certainly wise to look at the growing influence of our military men in the policy-making that shapes our Nation and its place in the world. Every American wonders about this trend. There is a traditional distaste among Americans for any dictatorial influence in their lives. We are rugged individualists and, as far as possible, we want to stay that way.

If my experience hadn't reassured me as to the integrity of our Armed Forces and the devotion of the men in them to our Nation, I, too, might have doubts and misgivings. But I can say from personal knowledge that we have nothing to fear from military men themselves. Certainly, their role in our national life is far from dominant.

Let us look at how this "military influence" exerts itself.

To maintain Armed Forces of 3,500,000 as we are doing, the military's requirements touch nearly every family in the United States. Young men and women, fulfilling their citizenship obligation to the Nation's defense, are subject to this "military influence" during their most formative years. Does that mean that our democratic principles are threatened by a dictatorial influence on our young people?

The integrity of West Point and Annapolis is expected to be the soul of our military services. The selection of cadets and midshipmen is the most democratic in the world. At both Academies, the opportunity of free and honest competition is the foundation of academic and extracurricular rewards. Before the rigorous demands of cadet and midshipman training, all men are equal. Among our professional officers graduated from the Academies, we need fear no violation of democratic principles. Totalitarian government for the United States will never rise from these graduates.

#### CIVILIAN INFLUENCE IS GREATER

In our Armed Forces themselves, the democratic principle is stronger than in any other country. There is no military clique. Civilian influence is greater than the professional military influence. In 1940, the Regular service included about 17,000 officers. In World War II, our Army and Air Force had more than 800,000 commissioned officers. Several of our civilian universities and civilian military colleges—for example, Texas A. & M.—furnished more officers than West Point did. Many of our fine generals came up from the Organized Reserves and National Guard.

The impact of preparedness on our economic life also raises the question of "military influence." The Defense budget this fiscal year runs to \$59.4 billion, with another 5.8 billions for military aid to our allies. Arms production is cutting across the whole pattern of our economy.

But the projected outlay for defense is not in reality a military budget; it is a civilian budget. Civilians are in charge. In the Defense Department, the budget is controlled and finally approved, not by the Joint Chiefs of Staff but by the four civilian Secretaries. In the White House, it is carefully reviewed and inspected, and even changed, by an all-civilian Bureau of the Budget. After it goes to Congress, the budget undergoes careful

examination by the Appropriations Committees of the House and Senate. This would not appear to me to be dangerous military control over the share of the Government's money which is being expended for defense, nor a dangerous military influence on our economic life.

In our international negotiations, some of our gravest decisions are influenced by recommendations of the Joint Chiefs of Staff—our four top military leaders. But this dependence on military counsel is not of the soldiers' choosing. All the military men I know believe profoundly in civilian control and look to civilian leadership in national and international affairs.

#### MARSHALL RELIED ON CIVILIANS

Our wartime Chief of Staff, Gen. George C. Marshall, is an outstanding example. When he moved in as Secretary of State, he relied for his staff upon the civilians who had been doing the job before. When he assumed the difficult job of Secretary of Defense, he prepared the way as quickly as possible for his own relinquishment of the task.

The truth is that in these times of half peace, half war, neither the soldier nor the diplomat alone can lead the American people on a wise course of international action. Both voices must be heard, and are heard, to make American policy realistic and effective.

But in international affairs, just as in matters of the defense budget, civilians make the final decisions. The Secretary of State, with his Department, works out the final answers with the President. Military men contribute advice at all stages of the decision, and frequently are assigned to help carry out the policies, but that is all.

Even in matters more strictly concerned with the security of the Nation—economic, political, or military—the National Security Council, consisting of five civilians, passes on most of the action and all of the major policy. From the Council, the recommendations go to the President for approval and frequently to committees of Congress which investigate and review the decisions.

Not only do congressional committees review the policy and the actions in foreign relations, they also examine and investigate specific military matters. A big part of my own job as Chairman of the Joint Chiefs of Staff is keeping Members of Congress as well as the Secretary of Defense, the Secretary of State, and the President briefed on military events.

Economically, politically, and militarily, the control of our country resides with the civilian executive and legislative agencies, and thus ultimately in the hands of the voters and organized civilian groups interested in good government.

Americans guide their Government, and their destiny, through their elected and appointed leaders. Fortunately, there is no dearth of strong leadership in the United States. But many of the great fullbacks and linemen of American enterprise are still on the bench rather than in the game.

I know that 160 million people here in the United States have the largest pool of strong, vigorous, imaginative leadership in the world today. The success of business and industry proves it. The success of labor proves it. Local government and the great mass of private volunteer enterprise—both civic and social—prove it a thousand times a day.

When you have civilians like these in charge, no military clique can develop. And when you have trained and skilled businessmen and scientists advising the military as frequently as we have had since 1940, admirals and generals are not likely to influence unduly the policies and plans of our Government.

In these next trying years, I predict that as emergencies arise, the military will be called upon for advice, and perhaps initially to take charge of problems. I also am sure

that as soon as civilian agencies are organized to take over such civilian problems, the military will gladly withdraw to its purely professional duties.

Unless, however, more strong men drop their briefcases full of contracts to take up the reins of government, we will lose by default in the struggle we are engaged in today. If industrial and labor leaders will step forward and help run our Government in the American way, there will never be a danger of our Government running America in the wrong way.

Mr. HARTKE. Since I see my distinguished friend the Senator from Louisiana in the Chamber, I should like to read portions of the statement of Mr. Justice Douglas:

The increasing influence of the military in our thinking and in our affairs is the most ominous aspect of our modern history.

Our Government was designed to keep the military in the background, reserving them for the days of actual hostilities. That is why the President is Commander in Chief. That is why civilians are administrative heads of even the military branches of our Government.

We indeed do the military great disservice by thrusting civilian tasks on them, by placing on them the burdens of peace. Many of them are the first to recognize that neither by training nor by experience are they as a general rule qualified to handle the complex problems of the present world crisis.

This is not because military men lack integrity or ability or devotion. They are men of high character and fine ideals. But the military mind is too narrow, the military technique too limited to deal with the vast problems of this age. I do not refer to the military great among us—Bradley, Eisenhower, MacArthur, Marshall. My criticism runs to the military clique that spreads slowly throughout Government, expanding its hold and making its voice more loudly heard with each passing day.

The deficiencies in the approach of the military to domestic and world affairs start with military education. West Point and Annapolis give good technical training. It is, however, a specialized education for one of the most highly specialized of all callings—the killing of men, the destruction of cities, the pursuit of the enemy.

The military mind looks at world affairs in terms of preparations for war—basics that will be useful in defense or offense, the building of armies, the marshaling of raw materials and the harnessing of industrial production. The military look at domestic affairs in terms of giving orders and expecting obedience. The military mind does not know the give and take of public debate, the art of persuasion of people, the value and importance of dissent and disagreement, the importance of religious, political, racial minorities in our midst.

How can a man move into a position as head of the Federal Aviation Agency without knowing about civilian aviation safety, how a certain base will be used, and how a certain field will be used—not how a flier might wish to fly in military aviation, but how will the field be used in civil aviation?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HARTKE. I am glad to yield to my great friend, the assistant majority leader, the Senator from Louisiana.

Mr. LONG of Louisiana. I may be boring the Senator with a subject that I constantly raise. As the Senator so well knows, the Senator from Louisiana has consistently been criticizing the military for signing contracts for research and de-



velopment in which the military takes the attitude that all they are interested in getting for their \$12 billion spent on research and development is merely the right for the military to use what is developed with those funds. It would be the same as if we had a highway program and gave the military the money of taxpayers to build a bridge across the Mississippi River or the Potomac River, and having done so, and having built the bridge on the condition that the military could drive its trucks across that bridge toll free, we would then proceed to let the contractor, who had already been paid his price, proceed to set tolls and charge VANCE HARTKE and RUSSELL LONG any price he wished to charge us, as well as the other 190 million taxpayers who had paid for the bridge, to cross it.

That is "tunnel vision" that fails to consider general interest but only military interest. We see that possibility in a military officer going over to the Federal Aviation Agency. The Federal Aviation Agency has insisted upon protecting the entire public interest. They do research, and when they do it, they insist that the public interest be scrupulously and carefully protected. This Senator is very careful. I should like to know, if that military officer should go over to the Federal Aviation Agency, whether he will try to impose the Department of Defense giveaway program on the Federal Aviation Agency. I assure the Senator that no one in that Agency wishes to give away private patents on the research of that Agency.

Mr. HARTKE. The Senator from Louisiana has put his finger on an important factor. As I believe the assistant majority leader knows, one of the important reasons, we have been told, why General McKee wishes to go into that position is that we need a supersonic transport. Day in and day out money is authorized for research and development in the Federal Aviation Agency. The military will now take another step into an agency that heretofore has been reserved under the law for civilians. We shall take another step and give that agency to the same type of thinking and the same philosophy of those who already possess the military type of thinking. We would give them an opportunity to tighten their hold on patent developments, and on the public right to have an interest in those developments which are made at public expense.

I know that the Senator has been fighting for this program. I believe he will be successful this year in stripping at least part of that authority away.

Mr. LONG of Louisiana. Here is an agency, the head of which is Mr. Halaby—a proper head of that Agency—who is leaving it. That man would not consider giving away private patents on the research undertaken. His predecessor would not consider giving them away. None of those on the staff would consider giving away private patents on the research done by that Agency.

They feel that the research should benefit the public in general, and that the plans which the public files, if han-

dled by that Agency, could be produced much more cheaply. That would mean much cheaper passenger rates and much cheaper freight rates if the planes were produced on a competitive basis. I hope we are not falling into the trap of sending a man to that agency who would proceed to reverse the public interest policy which has long been established and scrupulously followed.

When I see this man, who is basically a Department of Defense man—and the Department of Defense follows a patent giveaway program—going over from NASA, which is trying to get more and more into that type of giveaway program, and then see him in turn take over the Federal Aviation Agency, which is an agency which from top to bottom, as it stands now, is completely opposed to giving away private monopolies on research done with Government money—

Mr. HARTKE. I do not believe that we will send that man over there. I do not believe that we will change that law. I believe we shall be able to make it clearly understood that we shall not do so.

Mr. LONG of Louisiana. Do I correctly understand that change in the law is requested, or is a man being appointed in violation of the law?

Mr. HARTKE. The man is not yet recommended. Senate bill 1900 would change the present law, which specifically requires that the Federal Aviation Agency Administrator be a civilian. We would wipe out that law.

That man has said, "I am not going to take that job. I am a four-star general. I shall not take that job because I have been enjoying a good life in NASA and collect my pay over there—about \$39,000." He is at the top. He says, "I shall not take that job unless you agree to pay me \$30,000 as Administrator and let me have my dual compensation under the Dual Compensation Act." That would make the total about \$38,000, or a little less. But he has said, "I will not do that if I have to give up my benefits."

An amendment was proposed in the Finance Committee, on which we voted, to increase the benefits of the poor little worker on the factory line who works a lifetime and retires at the age of 65. If he wishes to dedicate his service to the Government and earns more than \$1,200, he may keep the \$1,200, but with respect to anything over the \$1,200, he must give back half of the next \$500; and if he makes more than \$1,700, he must give back all the rest of his social security.

Mr. LONG of Louisiana. I would imagine that if such a person were to go to the Federal Aviation Agency and give away patent rights on all its research, the airplane companies would arrange to see to it that he would not have to worry about receiving compensation from other sources during the remainder of his lifetime.

Mr. HARTKE. I thank the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. HARTKE. I am glad to yield.

Mr. LONG of Louisiana. The Senator knows that I came into the Chamber during the middle of his speech. I dis-

cussed the subject with him in general terms prior to the time he launched upon the fine study he has made. But the Senator might clear up my confusion in this matter. Are we being told that we must enact a law because there is only one man in America who is qualified to fill this position?

Mr. HARTKE. That is exactly correct.

Mr. LONG of Louisiana. What would happen if the man died? Would the country have to go out of business?

Mr. HARTKE. We are supposed to be operating on the indispensable-man theory. We are being told in substance that among the 200 million Americans there is no other man capable of filling this post.

As of now, he has not been nominated. He could not be nominated at this time. He could not be nominated unless a new law were passed and until another man had been moved from another post. This is really the domino theory. A military man is now the Deputy Administrator. If the proposed law were enacted, the Deputy Administrator would have to be moved out; otherwise we would be in violation of still another provision of law.

Mr. LONG of Louisiana. The Senator will recall that we have had arguments from time to time about the indispensable man. With all due deference to a great man, I recall that General Marshall was brought back to be Secretary of Defense at a time when we had suffered a reverse in Korea. Things were not going well. As a practical matter, as things had occurred, the Nation had not intended to defend Korea in the first instance. When the attack occurred, the decision was made on the spur of the moment that we had to go in and defend that area. The decision was also made to bring General Marshall back.

He was a great man. He rendered outstanding service. But the man's performance in prior years had been much greater than what he could do at his age at that particular time. Sometimes more reliance is placed upon a man's past reputation, in taking the indispensable-man attitude, than on what he has to offer for the future.

Mr. HARTKE. That seems to be the general philosophy. I am glad the Senator has raised the question. Sometimes high civilian posts are considered as retirement honorariums for a man who has given good service to his country. He has been a great man and has performed wonderful service. In order to take care of him further, he is honored by being placed in a top position in the Federal Government.

Mr. LONG of Louisiana. There is no doubt in the judgment of the junior Senator from Louisiana that there are other men who could do that job. I see no need whatever for a change in the law. The Senator from Indiana has convinced me that there is no need to change the law.

Are we to understand that the law is to be changed because it is said that only one man can handle the job?

Mr. HARTKE. It is said that the law is to be written for the benefit of one

man, and one man alone; it is never to be done again. Of course, that is not true. Such a law would be good forever. It is designated as the McKee bill, because he cannot be appointed unless the bill is passed. His name is mentioned in the bill so that he can retain his retirement benefits and not have to give up anything. After he had served for 5 years, his wife would be eligible for increased widow's retirement benefits, from \$4,000 to \$14,000.

Mr. LONG of Louisiana. Let me try to recall what the law provides. Is that the law which provides that when a person takes such a job, he must surrender 50 percent or otherwise his income would be reduced?

Mr. HARTKE. The Dual Compensation Act, which applies, provides that a retired military officer may keep \$2,500 plus one-half of his retirement pay, which in this case means roughly that this man could keep about \$8,400.

Mr. LONG of Louisiana. Some time ago the junior Senator from Louisiana recommended a man whom he regarded as one of the best Air Force officers for a job in one of the regulatory branches of the Government. He is one of the finest officers the country has produced. He was perfectly willing and content to comply with the law. Why cannot General McKee comply with the law? The officer whom I recommended is far better known among officers than the man we are now talking about.

Mr. HARTKE. General McKee says that he cannot afford to do that. He would require Congress to set aside a well-established principle in the history of democracy. The bill provides:

The President is authorized to appoint Gen. William F. McKee (U.S. Air Force, retired) to the office of Administrator of the Federal Aviation Agency.

In addition, the bill provides:

He shall receive the compensation of that office at the rate specified in the Federal Executive Salary Act of 1964 . . . and shall retain the rank and grade which he now holds as an officer on the retired list of the regular Air Force, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of the Dual Compensation Act.

Mr. LONG of Louisiana. It strikes me that a man who has been on the public payroll his whole lifetime, since about the age of 17, ought to give somebody else a chance at public office. This is a good position.

Mr. HARTKE. We are here considering an indispensable man. That is the whole problem. But the danger really is greater than that. It is really greater than one exception.

We are asked, in effect, to close our eyes and plunge into the river; and if there are rocks at the bottom of the river, and we break our neck when we strike them, that will be too bad.

The net effect of the report is that the President needs General McKee in this position.

There are three sections to the bill. I read from the report:

Section 2 specifically provides that General McKee, while serving in the capacity of Administrator of the Federal Aviation Agency, shall in no way be subject to supervision,

control, restriction, or prohibition (military or otherwise) as a consequence of his status as a retired military officer.

Section 3 of the bill provides:

It is hereby expressed as the intent of the Congress that the authority granted by this Act is not to be construed as approval by the Congress of continuing appointments of military men to the office of Administrator of the Federal Aviation Agency in the future.

Then the report states:

The committee wishes to emphasize that it considers the latter 2 sections of critical importance and that its action in favorably reporting this measure was contingent upon their inclusion.

Mr. LONG of Louisiana. I hope we can hold up the passage of this bill so that I can submit some names. I know many persons who would be competent to fill this position. The appointment of any of them would not require a change in the law. Any of them would be glad to surrender his present income to get the job. Of course, it would still result in a net increase in pay, would it not?

Mr. HARTKE. Yes.

Mr. LONG of Louisiana. It is a position of great power and prestige.

Mr. HARTKE. It is considered one of the most important positions in the Federal Government. Outside the Post Office Department, the Federal Aviation Agency is the largest employer of personnel.

Mr. LONG of Louisiana. I hope the bill can be held up long enough so that the junior Senator from Louisiana can submit names for the position. I know of a number of fine persons who I am sure would be interested in it.

Mr. HARTKE. I am certain that Mr. Macy will be glad to consider the names of the persons whom the Senator from Louisiana might recommend.

I wish to repeat these words of Justice Douglas:

The military shall in no case be called upon for action until the political department is bankrupt.

I think we have demonstrated conclusively now that this country is not politically bankrupt.

Remember, Gen. Omar Bradley, in his response, stated:

It is certainly wise to look at the growing influence of our military men in the policy-making that shapes our Nation and its place in the world. Every American wonders about this trend. There is a traditional distaste among Americans for any dictatorial influence in their lives. We are rugged individualists and, as far as possible, we want to stay that way.

This is the American concept. Americans carry out their form of government.

Does the Senator from Louisiana have someone whom he would like to have nominated, one who would come within the law?

Mr. LONG of Louisiana. I have. May I ask if the Senator from Indiana has looked into the statement of General Eisenhower in his farewell address to the effect that we should beware of this kind of situation?

Mr. HARTKE. We have. I covered that earlier. We also have a statement issued by Mr. Patton, of the Farmers' Union. He has never been considered to

be a supporter of President Eisenhower, and I doubt that he is now. He stated that he agreed 100 percent with President Eisenhower.

#### CONCLUSION

I believe that General Bradley in his cogent argument that no danger exists of a military takeover makes the most eloquent case for our hesitation to pass S. 1900, which in its essence rewrites our laws so as to substitute military for civilian control. Clearly and definitely General Bradley recognized the absolute need for the maintenance of civilian control of our Government.

He saw effective, vigorous, imaginative leadership from all parts of the civilian economy helping to mold public opinion and he saw that the orderly constitutional processes of our Government subordinate the military. He thought the traditions of our Government, backed by executive and legislative leadership, would continue civilian control and prevent military takeover.

This is the essence of our argument here today. We must continue to assert these controls.

As General Bradley observed, we have a tremendous pool of civilian leadership in our Nation. Why is it not being tapped? General Bradley's confidence in civilian talent is open to question if a four-star Air Force general is the only man who can lead the Federal Aviation Agency. His words urge us to examine the issues raised by S. 1900 at length, in depth, and with clear heads.

The issue before us is not General McKee, it is not an individual, it is not a single personality, but the increasing practice of appointing military men in civilian agencies, not only to take and assume the functions and take the positions created for civilians, but to improve their will and their authority as administrators.

The danger is not General McKee, the danger is the growth of military assumption of civilian functions. Their creation thereby of military cliques in positions of authority, which inevitably means the domination of the military on civilian matters and the inevitable consequences—the trend of a military state.

I believe that the time has come for us to take a new and careful view of the high cost and potential danger of this continual appointment of military men to civilian jobs. The Federal Aviation Agency is the one special place where we should take the longest and hardest look.

This is not a partisan issue, this is not a personal issue. This is an issue vital in its consequence because it concerns a fundamental tenant to which we need and must hold fast.

The purpose of the Federal Aviation Act is to coordinate aviation activity, to save lives, to provide better air transportation for the civilian population, to build new airports to serve expanding needs and to help develop ever-better aircraft for civilians.

First, S. 1900 violates the legislative history of the Federal Aviation Act of 1958 which many of those now serving in this body made. Second, S. 1900 only points out too painfully the unfair basis of the Dual Compensation Act of 1964,

which is unfair to the retired civilian employee and sneers at the social security recipient who returns to work.

As a third point, our constitutional heritage, as well as the basic reasoning for the Federal Aviation Act of 1958, demands civilian control of this agency. Whatever the unusual needs of the space age, they do not demand scrapping these wise and accepted safeguards.

I feel strongly that the Members of the Senate of the United States cannot ignore the words of distinguished leaders who in modern times call the attention to the importance of civilian control over the military and the foreboding of military domination: my distinguished colleague Senator Fulbright, of Arkansas, President Eisenhower, President Kennedy, President Roosevelt, Gov. John B. Connally, Admiral Burke, General MacArthur, ex-Treasury Secretary Humphrey, former Secretary of the Navy and former Secretary of the Treasury Robert Anderson, Dr. Vannevar Bush, and Albert Einstein. Can we in good conscience violate the trust the framers placed with the Senate in our capacity of advise and consent. Can we ignore the well thought out and contemplative warnings of the distinguished roll?

I do feel it incumbent upon me to spread before this Chamber and the Nation, the record as it exists today, my fears of tomorrow and my apprehension for the future of our democratic principles. I cannot do otherwise, and to do less would be unfair to the principles which I espouse.

A law which must be changed periodically to meet—not an emergency, not a pressing need—but to justify and satisfy one man or each changing whim obviously is not a good law. But this I do not believe to be the case of the Federal Aviation Act of 1958. This is a good law and should not be weakened to meet a momentary compromise or a whim. The consequences of such actions are inevitable. By this constant erosion, we shall have no law—nothing upon which the American people can place reliance as it is applied to our aviation activities. Thus, S. 1900 is merely a continuation of an eroding process which must be halted now, emphatically and decisively. Every time we act to amend or change legislation which is honest in intent and capable of observance, I cannot help but recall the words of Jean Jacques Rousseau which are as pertinent today as they were 200 years ago, "Good laws lead to the making of better ones; bad laws bring about worse." This is a bad law, this is a bad proposal and, if adopted, inevitably will bring about worse and by taking this step, we are assisting in the destruction of the cornerstone of our Republic.

Mr. LONG of Louisiana. The Senator has convinced me—so much so that he does not want the bill passed without looking into this matter, because, if it comes to a showdown, the junior Senator from Louisiana might want to join forces with the Senator from Indiana.

This matter should not be looked on lightly. We are not talking about a general of the caliber of General Eisenhower. We are not talking about a

General Bradley. We are not talking about a Gen. George Washington. We are not talking about a Gen. Ulysses S. Grant, who, by the way, would be an exception to the rule. I suspect that the country would have been much better off if that particular military man had not become a civilian and become the President, because while he was a great general, I am sure historians do not regard his record as a President as being very good. We are not talking about that caliber of general, but we are talking about a run-of-the-mill officer who wants to make more money, when there are many people who would be delighted to take this position.

Mr. HARTKE. It is a remarkable thing when a man sets down the conditions on which he will take the job. In essence he says, "I am the only one. Here I am. Take me."

Mr. LONG of Louisiana. We have fine men serving in Washington, who were making a quarter of a million dollars or more in the private practice of law or in private business, who have made a great sacrifice to serve in Washington. But they took the job knowing they were making a sacrifice.

The Senator from Indiana has convinced me that the idea of a man drawing a salary for this job and Congress enacting a special law in order to appoint run-of-the-mill general to the position does not appeal to me.

What is the general's great distinction? Did he win any war in Santo Domingo, or some such thing? Where has he been? What has he done? Where has he been all these years that I have not heard of him?

Mr. HARTKE. I think the Senator will find that he is in the Air Force but is not a pilot.

Mr. LONG of Louisiana. What has he done? If we are to change the law so that this one man can have a job that could be performed by a lot of other persons, we ought to know something about him. What has he done?

Mr. HARTKE. The nomination has not been before the Commerce Committee, so we could question him. We have not been able to ask him questions. If he is such a superior individual, we ought to know about it. The truth is that it is said he is a pleasant man to meet.

Mr. LONG of Louisiana. Apparently, if he is appointed to this job, it may be a great loss to private enterprise not to have his talents.

Mr. HARTKE. He is not in bad shape. He is with NASA and is drawing \$39,000 a year.

Mr. LONG of Louisiana. Giving away patent rights.

Mr. HARTKE. That is correct, giving away patent rights. One can judge a man only by his past history.

Mr. LONG of Louisiana. What has the man done? What have been his achievements that we have to change the law so he may draw more compensation and get more than somebody else doing the same job would get, a job that even other military men might take without our changing the law? Why change the law to fit this man?

Mr. HARTKE. I am at a loss to answer the question. I presume it will be answered.

Mr. LONG of Louisiana. Assuming he is worth more money than he is getting, does not the Senator believe that if he took this job we might be denying private enterprise some fantastic talent?

Mr. HARTKE. Under the normal procedures of the advice-and-consent powers of the Senate, a man's name is submitted to the Senate. He is nominated by the President. The Senate refers the nomination to a committee. Then a hearing is held to decide whether he is qualified. We are not going to do that in this case. We are going to pass upon his qualifications for his job without having his name submitted to us. This is saying that he is the type of personality who fits the indispensable man theory.

Mr. LONG of Louisiana. Does not the Senator believe we should bring this man before us and see what we are going to get in the way of extra talent by changing the law, presuming that we are going to get this colossus?

Mr. HARTKE. I personally feel that, no matter how well qualified he is, no matter how exceptional he may be, the truth is that this is a dangerous trend, and it is time to stop it. If we pass the bill, we shall be bowing to a military takeover of all civilian authority. We passed the bill in 1958, and the distinguished Senator from Louisiana was here when the bill was passed, as were the Vice President and the President, and as were the majority members of the Committee on Commerce.

If the bill is passed, we shall, in effect, be saying to the American people that we have resisted as far as we can; that we must get all our talent from the military; that we do not have a good civilian educational system; that only the military system can produce men to hold these civilian jobs. That is what it amounts to.

Mr. LONG of Louisiana. It seems to me that in order to pass the bill two points would have to be established. The first point is that the person named to the position is the man who can do it best. As a part of that point, I think we should have to look over the qualifications of this person. The next point is that we must use the talents of this unusual person in this particular field, in which he has been giving away patent rights as a result of Government research, and that other men do not have such talents. What is his special talent? Is it that he is congenial in getting along with big industry? Is it because of his ability to deal with scientists and research workers? Is it his flying talent? Is it because of his great military achievements? What is it that qualifies this man above all others? In order to ascertain the answer to that question, we should bring him before us and learn what his qualifications are.

In the meantime, perhaps we can obtain brochures with respect to other persons who might qualify for this position. I might be able to think of a few whom I would like to see take that job, some of whom are in the military service, some of whom are civilians, some of whom may

have had experience in both fields. We can consult the finest people available and then see if he really qualifies. Then the case will have been proved that this law is needed.

Mr. HARTKE. We still will not have proved that we need the law. We would still have the indispensable man theory that it is only from the military that we can get men for these positions. If we are going to wipe away, with one sweep of the pen, the whole theory of democratic government, that the civilian authorities shall control, we shall be setting a dangerous precedent. The first words in the report of the majority are:

Section 1 would authorize the President to appoint Gen. William F. McKee, U.S. Air Force, retired, to the Office of Administrator of the Federal Aviation Agency.

Section 301(b) of the Federal Aviation Act requires that the Administrator of the Federal Aviation Agency shall be a civilian at the time of his nomination.

It says he "shall" be. We are not arguing about the word "shall" or "may," as we do in law school. It says "shall." When the law says he "shall" be a civilian, it means he shall be a civilian, in the strictest sense of the word.

By passing the bill we would wipe away what many great men have said, what was repeated by President Eisenhower, by President Kennedy, by Pinckney, by Madison, and by many other great men—that it is the strength of democracy that there shall be civilian control of the Government. This principle is more important than the indispensable man theory. The only place where the indispensable man theory belongs is in a dictatorship. Only Hitlers and Mussolinis belong in the indispensable man classification. During a great recent war in which this country was engaged, one of our great men passed away in wartime. Great as that man was, we carried on. It seems to me that the world has continued. So there is no such thing as an indispensable man.

Mr. LONG of Louisiana. We adopted a constitutional amendment, which is in effect at present, that a President may serve no more than two terms. That proposal was urged, for the most part, by Members on the other side of the aisle. It was done after President Franklin Roosevelt, a great President, had been elected four times. We know that many persons thought that the adoption of such a provision was unfortunate because they thought they needed President Eisenhower to run for a third term for the Republicans. That provision was adopted, and it has been in effect since that time. It is a complete constitutional denial of the indispensable man theory.

Mr. HARTKE. The whole theory of the indispensable man is contrary to the concept of democracy. This is the very essence of the argument.

Mr. LONG of Louisiana. If this man is so essential for the Government that we cannot afford not to have him, perhaps we should pass a bill putting a large insurance policy on his life. It would mean that some of the States would have to do without him.

Mr. HARTKE. If it does, it would require an insurance policy to be paid for

by the Government. This would probably be all right.

Mr. LONG of Louisiana. That is what I had in mind.

Mr. HARTKE. With special benefits for the widow. Perhaps I can offer such an amendment. It is important to remember that Representative JOHN BELL WILLIAMS of Mississippi in the House, which passed the bill, held some discussion about it, and he offered an amendment—of course he offered it in jest—which would have provided a law that the man to head the FAA shall be a military man unless the President decides to appoint a civilian.

One of the newspapers back home, commenting on the story, reported, "Old generals don't pass away; they just take Government jobs."

Let me say to my distinguished friend from Louisiana that this is a serious matter. Although the bill has not been called up, it is on the calendar and is ready to be acted upon. I hope at that time that I shall have the assistance of the majority whip, who has acted so ably in many fields on the floor of the Senate, and who has always championed the cause of the people against the power structures.

Mr. LONG of Louisiana. Let me say to the Senator from Indiana that he has made himself a real prospect here today.

Mr. HARTKE. Mr. President, I yield the floor.